

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN MORALES,)	
Plaintiff,)	
)	No. 1:19-cv-1078
-v-)	
)	Honorable Paul L. Maloney
MICHIGAN EMPLOYMENT)	
RELATIONS COMMISSION,)	
Defendant.)	
)	

ORDER ADOPTING REPORT & RECOMMENDATION

This is a civil case brought by John Morales attempting to bring a claim against the Michigan Employment Relations Commission (“MERC”). Morales was permitted to proceed *in forma pauperis* (ECF No. 5). On January 10, 2020, United States Magistrate Judge Phillip J. Green issued a Report & Recommendation (“R&R”) recommending that the Court dismiss the complaint pursuant to 28 U.S.C. § 1915(e)(2) because it fails to state a claim upon which relief can be granted (ECF No. 7). Morales timely filed an objection (ECF No. 9). For the reasons to be discussed, the Court will overrule the objection and adopt the R&R as the Opinion of the Court.

Legal Framework

With respect to a dispositive issue, a magistrate judge issues a report and recommendation, rather than an order. After being served with an R&R issued by a magistrate judge, a party has fourteen days to file written objections to the proposed findings and recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). A district court judge

reviews de novo the portions of the R&R to which objections have been filed. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Only those objections that are specific are entitled to a de novo review under the statute. *Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986) (per curiam) (holding the district court need not provide de novo review where the objections are frivolous, conclusive, or too general because the burden is on the parties to “pinpoint those portions of the magistrate’s report that the district court must specifically consider”). Failure to file an objection results in a waiver of the issue and the issue cannot be appealed. *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005); *see also Thomas v. Arn*, 474 U.S. 140, 155 (1985) (upholding the Sixth Circuit’s practice). The district court judge may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Analysis

Moralez’s objection discusses his qualms with both Defendants and this Court, and reiterates the facts as he sees them. But the objection does not identify any errors in the R&R itself, nor does it bring any clarity to what Moralez’s claims might be. Absent any specific objections, Moralez’s objection is overruled. The Court has reviewed the R&R and finds no error: Moralez has not raised any federal causes of action upon which relief can be granted. Thus, the complaint must be dismissed.

Moralez has also filed several motions, which the Court has reviewed—two seek to serve the complaint, two seek judgment in his favor, one seeks an injunction, and one seeks

sanctions against MERC. Given the conclusion that the complaint must be dismissed, the Court finds no merit in any of these motions. Accordingly,

IT IS ORDERED that the January 10, 2020 R&R (ECF No. 7) is **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff's objection to the R&R (ECF No. 9) is **OVERRULED**.

IT IS FURTHER ORDERED that Plaintiff's pending motions (ECF Nos. 6, 8, 10, 11, 12, and 13) are **DENIED**.

Judgment to follow.

IT IS SO ORDERED.

Date: August 17, 2020

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge